

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
AMENDING CHAPTER 71A, STORMWATER  
MANAGEMENT, IN THE CODE OF THE BOROUGH OF  
MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 71A, Stormwater Management, in the Code of the Borough of Merchantville is hereby amended as follows:

**ARTICLE VII.  
Yard Waste Collection Program**

**ARTICLE I.            ARTICLE VII.            SECTION 71A-23.    Yard Waste Collection**

It shall be a violation of this Ordinance to sweep, rake, blow, or otherwise place yard waste that is not containerized at the curb or along the street except on days designated by the Borough for scheduled yard waste vacuum pickup. Materials may be placed between the curb and the sidewalk (commonly referred to as the “grass strip”) seven (7) days in advance of the posted days for yard waste vacuum pickup. The Borough Department of Public Works will post notification on each street ten (10) days in advance of the posted yard waste pickup. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street within twenty-four (24) hours of formal notification or said party shall be deemed in violation of this ordinance.

**ARTICLE VIII.  
General Provisions**

**ARTICLE II.            ARTICLE VIII.            SECTION 71A-25.    Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a

separate and distinct violation, subject to the penalty provisions of this article.

**ARTICLE X.  
Private Storm Drain Retrofitting**

**ARTICLE III.      ARTICLE X.      SECTION 71A-43.    Purpose**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Merchantville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**ARTICLE IV.      ARTICLE X.      SECTION 71A-44.    Definitions**

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

A.      Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying stormwater.

B.      Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C.      Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

D.      Waters of the State – means the ocean and its estuaries, all springs, streams and

bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**ARTICLE V.            ARTICLE X.            SECTION 71A-45.   Prohibited Conduct**

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen) reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A.      Already meets the design standard below to control passage of solid and floatable materials; or
- B.      Is retrofitted or replaced to meet the standard in Section 71A-46 below prior to the completion of the project.

**ARTICLE VI.            ARTICLE X.            SECTION 71A-46.   Design Standards**

Storm drain inlets identified in Section 71A-45 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Section 71A-46(C) below.

A.      Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from the surface into a storm drain or surface water body under the grate:

- 1.      The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- 2.      A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates, in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates,

and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basis floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.

2. Where flows are conveyed through any device (e.g. end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or

4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

## **ARTICLE XI. Refuse Containers/Dumpsters**

### **ARTICLE VII.      ARTICLE XI.      SECTION 71A-47.    Purpose**

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times, and prohibits the spilling, dumping, leaking, or otherwise

discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Merchantville and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**ARTICLE VIII.      ARTICLE XI.      SECTION 71A-48.    Definitions**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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B.      Person – any individual, corporation, company, partnership, firm association, or political subdivision of this State subject to municipal jurisdiction.

C.      Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

D.      Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

E.      Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**ARTICLE IX.      ARTICLE XI.      SECTION 71A-49.    Prohibited Conduct**

Any person who controls whether owned, leased, or operated, a refuse container or dumpster

must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the the Borough of Merchantville.

**ARTICLE X.            ARTICLE XI.            SECTION 71A-50.    Prohibition; Exceptions:**

- A.     Permitted temporary demolition containers;
- B.     Litter receptacles (other than dumpsters or other bulk containers);
- C.     Individual homeowner trash and recycling containers;
- D.     Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; or
- E.     Large bulky items (e.g. furniture, bound carpet and padding, white goods placed outside for pickup).

**ARTICLE XI.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE XII.**

This Ordinance shall take effect upon passage and publication according to law.

**THE BOROUGH OF MERCHANTVILLE**

**BY: \_\_\_\_\_**  
**FRANK M. NORTH, MAYOR**

**ATTEST:**

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**DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at its regular meeting held on April 27, 2009. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 11, 2009 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to guidelines as required by the NJDEP for private storm drain inlet retrofitting and refuse containers/dumpsters, and to amend certain sections of the existing Stormwater Management Ordinance by the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.